

REMARKS

Claims 1-17 have been examined. Claims 1-4 and 17 have been rejected under 35 U.S.C. § 102(b), and claims 1, 2 and 4 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 5-16 contain allowable subject matter.

Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,610,125 to Meives et al. (“Meives”)

The Examiner has rejected claims 1-3 under 35 U.S.C. § 102(b) as allegedly being anticipated by Meives.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a cutting/stacking means for forming sheets by cutting a continuous sheet at a regular length, and for stacking only the individual sheets.

The Examiner maintains that the claimed cutting/stacking means is disclosed by the stacker/accumulator 8 of Meives. Meives discloses that each pile 9 of commodities are in the form of stacks 6, where each stack 6 consists of overlapping paper sheets confined in a paper wrapper 7 (col. 6, lines 35-38). Thus, the sheets are already cut, stacked and wrapped before being placed on the box form 1 (Fig. 2). There is no cutting performed, in the stacker/accumulator 8, of a *continuous sheet* into *individual sheets*. Rather, the reference merely states that the stacker/accumulator 8 discharges rows of aligned piles 9 which contain (i.e., already have) superimposed stacks 6 (col. 6, lines 50-52).

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Since Meives fails to disclose the above feature, Applicant submits that the reference likewise fails to disclose the remaining claimed features as they relate to the stacked sheets.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

B. Claim 2

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

C. Claim 3

Since claim 3 contains features that are analogous to the features recited above for claim 1, Applicant submits that claim 3 is patentable for at least analogous reasons as claim 1.

Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 6,612,100 to Morimoto et al. (“Morimoto”)

The Examiner has rejected claims 1-4 and 17 under 35 U.S.C. § 102(b) as allegedly being anticipated by Morimoto.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a cutting/stacking means for forming sheets by cutting a continuous sheet at a regular length, and for stacking only the sheets in a predetermined number.

In the December 6, 2004 Office Action, the Examiner maintained that elements 104, 400A, 400B of Morimoto disclose the claimed cutting/stacking means. However, in the current Office Action, the Examiner has now included elements 106A and 106B as further disclosing the claimed cutting/stacking means. Applicant submits that the new combination of elements still fails to teach or suggest the claimed invention. For example, “only” the individual sheets are stacked by the cutting/stacking means and said stacked sheets are stacked directly on a pallet. As set forth in Morimoto, the film supply apparatus 100 cuts a film roll 36 into films F (i.e., alleged sheets) (col. 8, lines 20-22). The films F are then supplied to the pack producing apparatus 400A, 400B, via the upper and lower film feed lines 106A and 106B, where the pack producing apparatus 400A, 400B stacks the plurality of films F on a protective cover 12 (col. 8, lines 42-45). Accordingly, the combination of the film cutter 104, film feed lines 106A and 106B and the pack producing apparatus 400A, 400B, stacks the films F and the protective cover 12 together, and does not just stack “only” the films F “directly” on a pallet, as recited in claim 1. Accordingly, Applicant submits that the elements 104, 106A, 106B, 400A and 400B fail to teach or suggest the claimed cutting/stacking means.

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Further, claim 1 recites a first handling means for placing one of a protective cover and stacked sheets on an upper surface of a remaining protective cover or stacked sheets. In the Interview of May 3, 2005, the Examiner withdrew the rejection as it relates to her reliance on Morimoto's package delivery means 810 (see June 1, 2005 Amendment under 37 C.F.R. § 1.114(c)). However, in the current Office Action, the Examiner still maintains that the package delivery means 810 discloses the claimed feature. Therefore, Applicant refers to the arguments presented in the March 1, 2005 Amendment, the May 3, 2005 Interview, as well as the June 1, 2005 Amendment, and submits that the package delivery means 810 does not disclose the claimed first handling means.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2 and 17

Since claims 2 and 17 are dependent upon claim 1, Applicant submits that claims 2 and 17 are patentable at least by virtue of their dependency.

C. Claim 3

Applicant submits that claim 3 is patentable for at least analogous reasons as presented above for claim 1.

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In addition, the Examiner maintains that the first handling means is disclosed by element 600 of Morimoto. Applicant notes that in the rejection of claim 1 above, the Examiner maintained that the first handling means was disclosed by element 810 (pg. 4 of Office Action). The element 600 is a pack feeding apparatus that merely supplies the pack 26 from the pack inverting apparatus 500 to the package producing apparatus 700 (col. 8, lines 46-48). The pack 26 comprises a stack of films already folded by a protective cover 12 (col. 8, lines 42-45). Thus, the pack feeding apparatus 600 does not place either one of a second portion of a protective cover on an upper surface of stacked sheets, nor the stacked sheets on an upper surface of the second portion of a protective cover, as recited in the claims.

Thus, in view of the above additional reasons, Applicant submits that claim 3 is patentable over the cited reference.

D. Claim 4

Since claim 4 is dependent upon claim 3, Applicant submits that claim 4 is patentable at least by virtue of its dependency.

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Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 4,939,888 to Katz et al. (“Katz”) and U.S. Patent No. 5,878,554 to Loree et al. (“Loree”)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Katz in view of Loree.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a first handling means for placing one of a protective cover and stacked sheets on an upper surface of a remaining one of the protective cover and stacked sheets.

The Examiner maintains that element 56 of Katz discloses the claimed first handling means. However, element 56 is merely a horizontal conveyor belt that carries a set of cut ribbon sheets 57 to an envelope inserter 58 (i.e., the alleged covered sheet stack producing means) (col. 4, lines 10-13). Conveyor 56 does not place the set of cut ribbon sheet 57 onto any sort of protective cover, it merely transports the sheet sets 57.

Applicant submits that Loree fails to cure the above noted deficient teachings of Katz. Accordingly, Applicant submits that claim 1 is patentable over the cited references.

B. Claim 2

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

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Rejection under 35 U.S.C. § 103(a) in view of Meives and Katz

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Meives in view of Katz. However, since claim 4 is dependent upon claim 3 and Katz fails to cure the deficient teachings of Meives, Applicant submits that claim 4 is patentable at least by virtue of its dependency.

Allowable Subject Matter

As stated above, the Examiner has indicated that claims 5-16 contain allowable subject matter.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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